

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1322

Introduced by Assembly Member Huffman

February 27, 2009

An act to ~~amend Section 9084 of~~ *add Section 9084.1 to* the Elections Code, and to amend Section 84506.5 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as amended, Huffman. Political Reform Act of 1974: campaign disclosures.

Existing law, *the Political Reform Act of 1974 (the PRA)*, requires that an advertisement supporting or opposing a candidate that is paid for by an independent expenditure committee contain a statement that the advertisement was not authorized by the candidate. *Under existing law, a knowing or willful violation of the PRA is a misdemeanor.*

This bill would require that the advertisement identify the name of the independent expenditure committee that purchased it and would, ~~for printed specified advertisements, specify the manner in which~~ *additionally require that the disclosure must be made statement identify an Internet Web site address where the committee's donors are listed.* Committees that are required to file *electronically* with the Secretary of State would be required to list the Secretary of State's *Internet Web* site address on their disclosure statements, and a committee that is not required to register *electronically* would be required to include a

Uniform Resource Locator for an Internet Web site address that identifies the committee's principal officer and lists the information on donors who have contributed \$100 or more to the committee, as specified. The bill would ~~also require~~ *authorize* the Secretary of State to include information on how voters can determine who is funding campaigns and campaign-related communications on the ballot pamphlet, as long as it can be included without increasing the number of pages. ~~The Secretary of State would also be required~~ *and* to include a statement describing the types of campaign contributions, applicable contribution limits, and the role of independent expenditures.

~~Because this~~ *the bill by adding requirements to the PRA, the violation of which is a crime*, would expand the definition of a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill would declare that it furthers the purposes of the act.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) An independent expenditure is a political activity intended
- 4 to assist or oppose a specific candidate for office which is made
- 5 without his or her cooperation, approval, or direct knowledge;
- 6 most commonly, independent expenditures take the form of
- 7 advertising.
- 8 (b) The amount of money expended on independent expenditures
- 9 communications supporting and opposing candidates for elective
- 10 office has increased exponentially over the past decade.

1 (c) In making decisions on which candidates to vote for or
2 against in an election, the voters rely substantially on information
3 such as who is supporting or opposing these candidates.

4 (d) It is vitally important to the integrity of the electoral process
5 that the voters are informed about the identity of the persons and
6 interests who operate committees making independent
7 expenditures.

8 ~~SEC. 2. Section 9084 of the Elections Code is amended to read:~~
9 ~~9084. The ballot pamphlet shall contain all of the following:~~

10 ~~(a) A complete copy of each state measure.~~

11 ~~(b) A copy of the specific constitutional or statutory provision,~~
12 ~~if any, that each state measure would repeal or revise.~~

13 ~~(c) A copy of the arguments and rebuttals for and against each~~
14 ~~state measure.~~

15 ~~(d) A copy of the analysis of each state measure.~~

16 ~~(e) Tables of contents, indexes, art work, graphics, and other~~
17 ~~materials that the Secretary of State determines will make the ballot~~
18 ~~pamphlet easier to understand or more useful for the average voter.~~

19 ~~(f) A notice, conspicuously printed on the cover of the ballot~~
20 ~~pamphlet, indicating that additional copies of the ballot pamphlet~~
21 ~~will be mailed by the county elections official upon request.~~

22 ~~(g) A written explanation of the judicial retention procedure as~~
23 ~~required by Section 9083.~~

24 ~~(h) The Voter Bill of Rights pursuant to Section 2300.~~

25 ~~(i) If the ballot contains an election for the office of United~~
26 ~~States Senator, information on candidates for United States Senator.~~
27 ~~A candidate for United States Senator may purchase the space to~~
28 ~~place a statement in the state ballot pamphlet that does not exceed~~
29 ~~250 words. The statement may not make any reference to any~~
30 ~~opponent of the candidate. The statement shall be submitted in~~
31 ~~accordance with timeframes and procedures set forth by the~~
32 ~~Secretary of State for the preparation of the state ballot pamphlet.~~

33 ~~(j) If the ballot contains a question on the confirmation or~~
34 ~~retention of a justice of the Supreme Court, information on justices~~
35 ~~of the Supreme Court who are subject to confirmation or retention.~~

36 ~~(k) If the ballot contains an election for the offices of President~~
37 ~~and Vice President of the United States, a notice that refers voters~~
38 ~~to the Secretary of State's Internet Web site for information about~~
39 ~~candidates for the offices of President and Vice President of the~~
40 ~~United States.~~

~~(f) Information on how voters can determine who is funding campaigns and campaign-related communications, when that information can be included without increasing the number of pages in the ballot pamphlet. The Secretary of State shall include a statement describing the types of campaign contributions, including applicable contribution limits and the role of independent expenditures.~~

SEC. 2. Section 9084.1 is added to the Elections Code, to read:

9084.1. The Secretary of State may include information in the ballot pamphlet advising voters how to identify who is funding campaigns and campaign-related communications if doing so will not increase the number of pages in the ballot pamphlet. The Secretary of State may include a statement describing the types of campaign contributions, applicable contribution limits, and the role of independent expenditures.

SEC. 3. Section 84506.5 of the Government Code is amended to read:

84506.5. (a) An advertisement supporting or opposing a candidate that is paid for by an independent expenditure must include a statement that it was not authorized by a candidate or a committee controlled by a candidate and identify the name of the committee that purchased the advertisement. For a ~~printed advertisement~~ mass mailing advertisement or a broadcast advertisement, other than a radio broadcast, the statement shall be in boldface type, be prominently displayed, and be in substantially in substantially the following form:

“NOTICE OF INDEPENDENT EXPENDITURE: This communication is neither approved nor authorized by _____ (ANY CANDIDATE), in the _____ district any candidate or candidate-controlled committee. It is paid for by COMMITTEE NAME, a committee making independent expenditures. The donors to this committee are listed at www._____.”

(b) For committees filing a committee filing electronically with the Secretary of State, the disclosure statement described in subdivision (a) shall list ~~www.sos.ca.gov~~ “www.sos.ca.gov” in the Internet Web site blank. For committees that are a committee that is not required to file electronically with the Secretary of State, the statement shall include in the Internet Web site blank, a

1 *Uniform Resource Locator* for an Internet Web site address that
2 ~~provides~~ *lists the committee's principal officer and* the following
3 information about all of the donors who have contributed a
4 cumulative amount of one hundred dollars (\$100) or more to the
5 committee making the independent expenditure: name of
6 contributor, payment type, city and state, contribution amount,
7 transaction date, and filing date. The *Internet* Web site shall be
8 updated to reflect filing updates. If the local agency with which
9 the committee files does not maintain an Internet Web site with
10 the donor information, the committee shall create one.

11 SEC. 4. The Legislature finds and declares that this bill furthers
12 the purposes of the Political Reform Act of 1974 within the
13 meaning of subdivision (a) of Section 81012 of the Government
14 Code.

15 SEC. 5. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.